

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 3, 4, 7-21 and 24-50 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Claim Objections

The Examiner objected to Claim 1 and suggested adding “including” in the first paragraph after the preamble. By way of the present amendment, Applicants have rewritten this paragraph to describe the right command as comprising the logical block address. Accordingly, this objection is overcome.

Rejection under 35 U.S.C. § 112, First Paragraph

Claims 8-13 and 16-21 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Examiner points out that the original specification does not provide support for managing a defect area where the command indicates the reproduction of real time data. By way of the present amendment, Applicants have modified the claims to refer only to the reading operation and not the reproduction operation. Accordingly, this rejection is believed to be overcome.

Rejection under 35 U.S.C. § 112 Second Paragraph

Claims 8, 9, 16, 17, 20 and 21 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner objects to Claims 8 and 20 as not being clear as to how the device issuing the command knows that the data recorded is real time data. Since Applicants have removed the reproduction operation from these claims, Applicants submit that this rejection is also overcome.

Rejection under 35 U.S.C. § 102 and 103

Claims 8-13 and 16-21 stand rejected under 35 U.S.C. 102 as being anticipated by Gotoh et al. (WO 98/14938, using U.S. Patent 6,292,625). Claims 1, 3, 4, 7, 14 and 15 stand rejected under 35 U.S.C. § 103 as being obvious over Gotoh in view of Shirane (U.S. Patent 5,412,629). These rejections are respectfully traversed.

The Examiner relies on Gotoh et al. to show a method for managing a defective area on a recording medium including receiving a command for reproducing the type information indicating that the recorded data is real time data and determining whether a found defective block has been listed in the defect management information and not replaced with an available block of spare area based on information indicating the defective block has been replaced with an available block of spare area and controlling the reproduction of the real time data such that an optical pick up skips the defective block and reproduces the data in an external block without jumping to the spare area. The Examiner admits that Gotoh et al. fails to disclose the contents of the command for real time recording and relies on Shirane to show a logical block address to designated a recording position in transfer length information to identify the amount of data to be recorded.

Applicants submit that the amended claims are not anticipated by nor obvious over these references. Applicants have modified greatly all of the independent claims to further define over these references.

Thus, Claim 1 has been amended to describe the write command as including a logical block address, transfer length information and write type information which specifically includes 12 bytes of information including the logical block address of 4 bytes, the transfer length information of 4 bytes and the write type information of one bit among one byte. Applicants submit that Gotoh et al. does not teach this write command. In fact, the Examiner indicates that on page 7 line 3 Gotoh et al. fails to disclose the contents of the command for real time recording. The Examiner relies on Shirane to teach this information. The Examiner refers to

column 7 lines 42-68, which does not disclose the specific details of the write command as presently recited in Claim 1. Since neither of the references teach these features, Applicants submit that Claim 1 is allowable.

It is further noted that this same limitation is recited in other claims including Claims 12, 13, 16, 26 27, 31, 37, 38, 40, 44, 46 and 49. These claims are allowable for similar reasons.

In regard to independent Claims 8, 10 and 20, the limitation of the indication information is now described as being different from the write type information and type of the recorded data, but dependent on the write type information. Thus, while the Examiner previously indicated that the indication information was met by the "AV Attribute" in the Gotoh et al. patent, Applicants submit that this attribute information in the reference merely indicates whether the recorded file is an AV file or not. Applicants submit that this feature in the reference does not meet the terms of the claims as presently presented. Accordingly, Applicants submit that claims 8, 10 and 20 are not obvious over these references.

Applicants have also added new claims 24-50, including independent Claims 29, 33, 40 and 46. These independent claims are apparatus and system claims which specifically describe an apparatus for managing a defective data block including a controller which receives a write command. Each of these claims further describes the operation of the controller in response to write command in the matter similar to the method claims previously described. Accordingly, Applicants submit that these claims likewise are allowable for similar reasons. Accordingly, these claims are considered to be allowable as well.

Dependent claims 3, 4, 7, 9, 11-19, 21, 24-28, 30-32, 34-39, 41-45, and 47-50 depend from these allowable independent claims and as such are also considered to be allowable. In addition, each of these dependent claims includes other limitations that make them additionally allowable. Accordingly, these claims are considered to be allowable as well.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents by the Examiner, either alone in combination. In view of this, reconsideration of the rejections of allowance and all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By

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